

From: Serda, Sophia
Location: R9SF-Room-18323-6-Twenty-Nine Palms
Importance: Normal
Subject: FW: Call with Congressman Xavier Becerra's Staff on Exide
Start Date/Time: Thur 2/11/2016 10:00:00 PM
End Date/Time: Thur 2/11/2016 10:45:00 PM

-----Original Appointment-----

From: Maier, Brent
Sent: Tuesday, February 09, 2016 10:52 AM
To: Maier, Brent; Serda, Sophia; Meer, Daniel; Huettelman, Tom; Reyes, Deldi;
Irvin.DeLaO@mail.house.gov; Liz.Saldivar@mail.house.gov; Gemma.Jimenez@mail.house.gov;
Johanna.Montiel@mail.house.gov; Janifer, Pamela; Minor, Dustin; Keener, Bill; Zito, Kelly
Cc: Shine, Katherine
Subject: Call with Congressman Xavier Becerra's Staff on Exide
When: Thursday, February 11, 2016 2:00 PM-2:45 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R9SF-Room-18323-6-Twenty-Nine Palms

Dear Colleagues:

I am updating this invite to include the questions below submitted by Irvin De La O and Johanna Montiel that we will do our best to respond to in today's call at 2:00pm PT (5:00pm ET). I have set up a conference line for us to use for this discussion and am providing both the call-in number and access code to join the call.

Dial-In Number: (866) 299-3188

Conference Code: 4159721596#

Leader PIN: 1015 (for use only by Brent Maier to initiate the call)

Questions to Be Addressed in Today's Conference Call:

Submitted by Irvin De La O:

I have a few questions regarding lead contamination and hoping the EPA can help me answer them. I want to make an assessment to the different types of lead contamination found in water and soil. I understand Flint's situation is due to the water being contaminated by lead, so I want to see how that compares to the soil contamination in Exide's case. Which one is more health hazardous and why? Do the screening levels vary because one is water and the other is soil? If so, what are those screening levels for each one? Do you have any official lead levels for Flint? Please let me know if this is something the EPA can help me answer or guide me towards the appropriate source that can best help in answering this.

Submitted by Johanna Montiel to Nicole Distefano in OCIR:

Like I have mentioned below, I know there is a Non-prosecution agreement, but I am trying to figure out if this Non-Prosecution Agreement limits the EPA's role? If so, what role does EPA have? Why?

In addition, is there any concern within EPA about the levels of pollution that have been reported? I have previously posted this question to the regional office and I was told "EPA recognizes that there are lead levels of concern at the residential properties near Exide that need to be addressed. As a result of the different cleanup level used by the state, their cleanup will be more extensive than if EPA were in charge of the cleanup." But, can EPA expand on the different levels of lead pollution in soil that are concerning, when do they trigger an immediate clean-up? When do they become unsafe that it would require for a person to relocate?

My understanding is that 400 ppm would trigger a cleanup response from EPA. But, a 80 ppm reading of lead in the soil would trigger a cleanup from the state of California. A few questions based on that:

--Currently 400 ppm is considered by EPA as a level that needs clean-up, is that standard up to date with the most current science?

--What about when it is 5,000 ppm? What type of response should that trigger? Should a person not be living in their home if that is the case?

--In addition, it is my understanding, and I may be wrong so I am trying to clarify, isn't there a section within both CRCLA and RCRA that would allow EPA to use the state standard?

There are also concerning reports from DTSC that they have identified 10,000 potential homes as being contaminated by lead in their yards. And I believe Congressman Becerra posed this question to the Administrator in a previous conversation, but is there a way for EPA to do an initial assessment report to test the levels of lead pollution to see what type of response is required? Has EPA done a risk assessment report on the levels of pollution and the health risks they pose for the people in these homes?

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

From: De La O, Irvin [<mailto:Irvin.DeLaO@mail.house.gov>]

Sent: Monday, February 08, 2016 9:30 AM

To: Maier, Brent <Maier.Brent@epa.gov>

Cc: Saldivar, Liz <Liz.Saldivar@mail.house.gov>; Jimenez, Gemma <Gemma.Jimenez@mail.house.gov>; Montiel, Johanna <Johanna.Montiel@mail.house.gov>

Subject: Question regarding lead

Hi Brent,

I have a few questions regarding lead contamination and hoping the EPA can help me answer them. I want to make an assessment to the different types of lead contamination found in water and soil. I understand Flint's situation is due to the water being contaminated by lead, so I want to see how that compares to the soil contamination in Exide's case. Which one is more health hazardous and why? Do the screening levels vary because one is water and the other is soil? If so, what are those screening levels for each one? Do you have any official lead levels for Flint? Please let me know if this is something the EPA can help me answer or guide me towards the appropriate source that can best help in answering this.

Thank you,

Irvin De La O | Field Deputy
Congressman Xavier Becerra (CA-34)
Chairman of the House Democratic Caucus
213-481-1425 (p) | 213-481-1427 (f)

350 South Bixel Street, Suite 120
Los Angeles, CA 90017

From: "Montiel, Johanna" <Johanna.Montiel@mail.house.gov>
Date: February 10, 2016 at 6:14:00 PM EST
To: "'distefano.nichole@epa.gov'" <distefano.nichole@epa.gov>
Subject: RE: Rep. Becerra call with Administrator McCarthy

Hi Nichole,

Please let me know if you are not the person I should be reaching out to in Administrator Gina McCarthy's office regarding the issue of the Exide plant in Vernon, CA and the pollution that is being reported in Boyle Heights, which is part of Congressman Becerra's district.

Like I have mentioned below, I know there is a Non-prosecution agreement, but I am trying to figure out if this Non-Prosecution Agreement limits the EPA's role? If so, what role does EPA have? Why?

In addition, is there any concern within EPA about the levels of pollution that have been reported? I have previously posted this question to the regional office and I was told "EPA recognizes that there are lead levels of concern at the residential properties near Exide that need to be addressed. As a result of the different cleanup level used by the state, their cleanup will be more extensive than if EPA were in charge of the cleanup." But, can EPA expand on the different levels of lead pollution in soil that are concerning, when do they trigger an immediate clean-up? When do they become unsafe that it would require for a person to relocate?

My understanding is that 400 ppm would trigger a cleanup response from EPA. But, a 80 ppm reading of lead in the soil would trigger a cleanup from the state of California. A few questions based on that:

--Currently 400 ppm is considered by EPA as a level that needs clean-up, is that standard up to date with the most current science?

--What about when it is 5,000 ppm? What type of response should that trigger? Should a person not be living in their home if that is the case?

--In addition, it is my understanding, and I may be wrong so I am trying to clarify, isn't there a section within both CRCLA and RCRA that would allow EPA to use the state standard?

There are also concerning reports from DTSC that they have identified 10,000 potential homes as being contaminated by lead in their yards. And I believe Congressman Becerra posed this question to the Administrator in a previous conversation, but is there a way for EPA to do an initial assessment report to test the levels of lead pollution to see what type of response is required? Has EPA done a risk assessment report on the levels of pollution and the health risks they pose for the people in these homes?

Thank you for reading, and again please let me know if I should be reaching out to someone else in Administrator McCarthy's office. I hope to hear from you soon.

Best,
Johanna